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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the World Barua Organization (WBO), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Latest Developments of the Human Rights Situations in India

I. General remarks on the impact of the work of the Human Rights Council (HRC)

(1) First of all, we would like to draw the Council's attention to the larger public debate in India on the human rights aspects of Indian policy making; which can be attributed to a crucial part to the reports of a number of mandates of the Special Procedures[1] as well as the corresponding debates in the framework of the Council's agenda. We note, for instance, debates within the Indian Union Government as well as with State governments on the best handling of protest under counter-terrorism measures, concerns expressed by the Indian judiciary including the Supreme Court on the factual ruling of current measures, namely the Armed Forces (Special Powers) Act of 1958 (AFSPA). Even soldiers and officials of state security institutions meanwhile feel encouraged to publicly give testimony on their acting in previous times and, thus, substantially casting doubts on the spirit and the means of the counter-terrorism measures. We, therefore, would foremost like to encourage the Human Rights Council to continue its observation with the Indian human rights situation, and we highly welcome the up-coming visit of the SR on housing in April.

II. Extrajudicial, summary or arbitrary executions

(2) Since the report of the SR on this subject in 2013[2], we note an improvement of the situation determined by previously massive extrajudicial executions in Manipur. The discussions of the findings and its follow-up opened access to the Indian Supreme Court. However, the situation still requires a continuous observation by independent human rights mechanisms to the alarming facts in each of the Northeastern States Manipur, Assam, Nagaland, Meghalaya and Arunachal Pradesh. Our experience says that such observation indispensably needs an international component such as by Special Procedures.

(3) We may draw your attention to some of the ongoing alarming facts: In Manipur, 14 people were killed including children below 12 years boys in 2015. Mrs. Ruisoting Aimol, age 55 of the Chandel district Manipur, was shot and killed at her home by Mr. Aditya Kapoor, Major of 20th Assam Rifle. On 12th January 2016, a bomb attack at the residence of Mr. Y. Rupachandra, Chief Editor of Impact TV (local channel) and Secretary of EGM (Editors' Guild Manipur) by a group of an undisclosed armed group. We express our fear that this group may be part of informal activities by state security institutions In Meghalaya, especially in Garo Hills, on 25th November, 2015, two civilians were shot and killed by India Armed Forces. On 6th January, 2016, there was a bomb blast at the public market place in Tura by which nine civilians were injured.[3] In sum, a credible national process in order to allow victims to speak about their experiences, to guarantee their access to Justice for victims, to guarantee accountability and punishment of the perpetrators as essential elements of such a national process. A real independent investigation into the crimes is still lacking.

(4) We echo the requests made by the United NGO-Mission of Manipur (UNMM) towards the HRC to:

a. recommend the Government of India to establish a Truth Commission at least in Manipur to protect human rights and peace building in Manipur;

b. approach the Government of India for a follow-up visit of the SR on extrajudicial execution in the region to Manipur, or better, to the entire Northeast of India;

c. urge the Government of India to follow-up the recommendations by CERD in 2013 and by CEDAW in 2014;

d. encourage the Indian parliament to look by itself into the investigations by the Jeevan Reddy Commission, the Second Administrative Reform Committee, or the Verma Commission, dealing with impunity in the context of AFSPA.

III. Counter terrorism

[1] Such as the mandates on Extrajudicial, Summary or Arbitrary Executions and Violence Against Women, or UN Treaty Bodies such as CEDAW. For details, see also our written report A/HRC/29/NGO/7 in June 2015.

[2] In particular A/HRC/23/47.Add.1 and the follow-up report A/HRC/29/37.Add.3, which also stressed the role of non-State actors in the violation of the right to life including killings by armed groups.

[3] We are able to provide more facts and details on each of the circumstances.

(5) The civilian population living in the North Eastern States of India, including Manipur in particular, is still trapped by the legal and political environment of AFSPA. Unfortunately, on 1st December 2015, the Governments of India and Manipur have extended the operation of AFSPA in Manipur for a further period of one year. Through its history of 58 years existence, AFSPA has not contributed to any kind of security for the people; rather the opposite.

(6) Human rights defenders in particular and civil society in general are severely hampered in addressing the human rights violations committed in the frame work of counter-terrorism and vice versa the crimes committed by armed groups. The Asian Human Right Commission has further stated that it is not uncommon for Indian Armed Forces, Indian Police Officers and Politicians in Manipur to maintain direct contact with the insurgent groups in Manipur sharing profit obtained from the black marketing of essential commodities in the state.[4] Such situations cast doubts about the concept of terrorism in general.

(7) The Government of India is allowing armed non-state actors to recruit even children below the age of 18 years. These forces are opening their counselling centres at different places in Manipur. In addition, some of the armed non-state actors are also abducting children and forcing them to be (child) soldier. Indian armed forces are further building their own huge cantonments and expanding their presence in great number and areas with the view that there was scheduled mineral mining of Chromite, Cobalt, Oil, or Limestone across the hill range of Ukhrul, Tamenglong, Chandel, or Churachandpur. It may lead to the presumption that there is a closed nexus.

(8) Contrary to 'Safe School' guidelines, the Indian Army has built its camps, for instance, at the approximate distance of 10 meter from the Manipur Public School (Koirengei), 30 meter from the Manipur College (Imphal) and also in the middle of the Manipur University (Imphal) for the last decades. There are more Indian Army camps located nearby the educational institutions causing serious threats to the students as frequent bomb blast have been reported causing death and injures among civilians. All these camps need to be relocated away from any educational institution as well as from public places. To make such demand more illustrative: eight human skeletons were recovered from the Tombisana High School located in Imphal, once used by the paramilitary forces during the 1980s.

(9) We echo the requests made by the United NGO-Mission of Manipur (UNMM) towards the HRC to:

1. make the Indian Government inviting the SR on counter-terrorism allowing him to witness the human rights violations particularly due to the counter terrorism activities;
2. encourage the Indian Government in order to fully investigate illegal drug trade and to invite the SR on counter-terrorism providing his expertise;

IV. Right to freedom of expression and peaceful assembly

(10) Although the Magistrate Court in Imphal (Manipur) has continuously ordered to release Ms. Irom Sharmila who has been on a hunger strike for over 14 years, last in January 2015, she still remains in custody. She demands the repeal of AFSPA. Ms. Sharmila stated before the judge: "I am tired of this cycle of release and re-arrest. Please put my case to trial once and for all. Let the case be decided".[5]

(11) We repeat our request to the HRC to:

1. encourage the Indian Government in order to release Ms. Irom Sharmila;

V. Truth and Reconciliation

(12) A number of governing institutions in India have established in the past commissions of investigation like the Justice Jeevan Reddy Commission (2005), Second Administration Commission (2007), Justice Santosh Hegde Commission (2013), or the Justice Verma Commission (2013). They altogether recommended to repeal AFSPA as well

[4] See http://www.humanrights.asia/news/ahrc-news/AHRC-STM-008-2016: January 15, 2016, INDIA: AFSPA should not be enforced in Manipur to support organised lawlessness benefiting illegal drug and weapon smuggling cartels.

[5] See at http://www.ndtv.com/article/india/court-rejects-attempt-to-suicide-charge-against-irom-sharmila-652245.

as to seek the truth and promote peace building. The Government of India rejected and never realized any of the recommendations of these commissions.

(13) We therefore request the HRC to:

1. communicate with the Government of India in order to invite the SR on the promotion of truth, justice, reparation and guarantees of non-recurrence that he may visit Manipur and other areas on the Northeast of India for providing his expertise and technical assistance in particular to establish a Truth and Reconciliation Commission in Manipur.

*United NGO-Mission of Manipur, an NGO without consultative status, shares the views expressed in this statement.